

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

R.G., as a guardian and on behalf of
J.H., a minor

Plaintiff,

v.

Civ. No. 19-543 GJF/SMV

SOCORRO CONSOLIDATED SCHOOL
DISTRICT,

Defendant.

**ORDER ADOPTING STIPULATED PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION AND APPROVING PROPOSED SETTLEMENT**

Pending before the Court is the parties’ “Joint Motion to Approve Settlement” (“Motion”) [ECF 36] filed June 18, 2020, and the Stipulated Proposed Findings and Recommended Disposition (“PFRD”) filed by U.S. Magistrate Judge Stephan M. Vidmar on July 13, 2020. ECF 42. Judge Vidmar filed his PFRD following this Court’s Order of Reference [ECF 34], and after conducting a thorough fairness hearing. *See* ECF Nos. 38-40. The parties have stipulated to the PFRD’s findings and the Court construes their stipulation as their mutual agreement not to object to the PFRD.


The Court incorporates by reference from the PFRD the relevant facts about the Plaintiff, the claims, and the procedural history leading to the settlement agreement. *See* PFRD 1-2; ECF 40 1-3 (Clerk’s Minutes). Furthermore, the Court has reviewed Judge Vidmar’s discussion concerning the settlement proceeds as well as his review of the report of the guardian ad litem appointed for the minor child. *See* PFRD, *see also* ECF 40 (Clerk’s Minutes). In that discussion, Judge Vidmar discusses and assesses the *Jones* factors that govern the Court’s oversight of the

parties' settlement.¹ The Court concurs with and hereby adopts Judge Vidmar's finding that the proposed settlement satisfies each of the *Jones* factors, and that the settlement is fair, reasonable, and in the best interest of the minor child.

IT IS THEREFORE ORDERED that Judge Vidmar's Proposed Findings and Recommended Disposition [ECF 42] is hereby **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that the parties' "Joint Motion to Approve Settlement" [ECF 36] is **GRANTED** and the settlement agreement is **APPROVED**.

SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent

¹ When reviewing a proposed settlement agreement, the trial court must exercise its discretion and approve the settlement "if it is fair, reasonable and adequate." See *Jones v. Nuclear Pharmacy, Inc.*, 741 F.2d 322, 324 (10th Cir. 1984). To determine if a settlement is fair, reasonable and adequate, the trial court should consider the following factors ("the *Jones* factors"):

1. whether the proposed settlement was fairly and honestly negotiated;
2. whether serious questions of law and fact exist, placing the ultimate outcome of the litigation in doubt;
3. whether the value of an immediate recovery outweighs the mere possibility of future relief after protracted and expensive litigation; and
4. the judgment of the parties that the settlement is fair and reasonable.

Id.